S.B.CIVIL MISC. APPEAL NO.1267/2007
(Ganesh Lal and ors. Vs. Manilal Gurjar and ors.)

Date of order: 23.07.2007

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr. Mahendra Trivedi, for the appellant.

For awarding compensation to the parents of 18 years old vehicular accident victim Kumari Harsha, the Tribunal has noted the contentions of the claimants that the victim was studying in 10th standard and was getting herself engaged in tailoring job earning Rs.5,000/- per month However, for want of any cogent corroborative evidence, the Tribunal has not accepted the assertion on income of the victim and has awarded compensation in a lump sum of Rs. 2,21,000/-. The claimants seek enhancement in this appeal.

Having heard learned counsel for the appellant and having examined the considerations adopted by the Tribunal, this Court is satisfied that for want of any other cogent corroborative evidence, the award of compensation as made in the present case in the sum of Rs.2,21,000/- together with interest at the rate of 7.5% per annum from the date of filing of claim application could only be said to be rather on the higher side. Looking to the age of the victim, her unmarried status, and her being a student of 10th standard; and looking

to the age of the parents at 51-46 years, the amount awarded by the Tribunal could, in the over all analysis, be only said to be rather on the higher side and rules out any scope of enhancement.

The appeal fails and is, therefore, dismissed summarily.

(DINESH MAHESHWARI),J.

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